

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<hr/> ANTHONY DESALIS,	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION
	:	
COMMONWEALTH OF PENNSYLVANIA	:	NO. 12-611
DEPARTMENT OF CORRECTIONS and	:	
JOHN/JANE DOE 1-5,	:	
<hr/> Defendants.	:	

ORDER

AND NOW, this 6th day of June 2013, upon consideration of Defendant Commonwealth of Pennsylvania Department of Corrections' (Doc. No. 14), Plaintiff's response in opposition thereto, and Defendant DOC's reply, and for the reasons stated in the Opinion filed this day, it is hereby Order that the Motion is **GRANTED** and Count II is **DISMISSED with prejudice**.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.